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NO FEE – GOV'T CODE § 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,

) Case No.:

Plaintiff,

**COMPLAINT FOR ABATEMENT AND
INJUNCTION**

vs.

BVIV HOSPITALITY GROUP, a California
 corporation doing business as STUDIO 6;
 PRAFULL GOVINDGAJ PATEL (aka PRAFULL
 GOVINDBHAI PATEL), individually and as an
 officer and director of BVIV HOSPITALITY
 GROUP; MAHENDRAKUMAR P PATEL (aka
 MAHENDRAKUMAR PARSOTTAMBHAI PATEL),
 individually and as an officer and director of BVIV
 HOSPITALITY GROUP; SUDHA PATEL (aka
 SUDHA JIVANBHAI PATEL, aka SUDHA
 PRAFULL PATEL), as an individual; and DOES 1
 through 50, inclusive,

[Health and Safety Code section 11570,
 et seq.; Civil Code section 3479, et seq.;
 Business and Professions Code section
 17200, et seq.]

(Unlimited Action)

Defendants.

PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

I. INTRODUCTION

1. This action ("Action") is brought and prosecuted by Plaintiff, the People of the State of California ("People"), for the purpose of abating an ongoing narcotics and gang-related public nuisance which exists at Studio 6, an approximately 60-room motel located at 13561 Sherman Way in the Van Nuys area of Los Angeles ("Property" or "Motel"). The

1 Motel borders a residential neighborhood consisting of mid-size apartment buildings and
2 single-family homes. The Action is brought pursuant to the Narcotics Abatement Law,
3 California Health and Safety Code section 11570, *et seq.* ("NAL"); the Public Nuisance
4 Law, Civil Code sections 3479-3480 ("PNL"); and the Unfair Competition Law, Business
5 and Professions Code section 17200, *et seq.* ("UCL").

6 2. For at least 15 years, the Property has been a center of violence, crime and
7 disorder. In recent years, despite concentrated law enforcement efforts, the crime,
8 violence, and disorder at the Property has increased in intensity and volume. Since just
9 2016, there have been at least 20 narcotics-related arrests at the Property resulting in the
10 recovery of heroin, methamphetamine, and cocaine. In that time, the Property has also
11 been the site of at least 11 criminal incidents involving gangs and/or guns. Disturbingly,
12 there have been *two recent documented shootings at the Property*, including one in
13 October 2018 where police officers were forced to discharge their weapons at documented
14 gang members in possession of a gun and drugs. In addition to these incidents involving
15 illegal drugs, violence, and criminal gang activity, the Property has been the site of over 60
16 other crime reports since 2016, many resulting in arrests for crimes including felony
17 vandalism, identity theft, assault with a deadly weapon, and prostitution.

18 3. Defendant BVIV HOSPITALITY GROUP owns both the Property and the
19 Motel. BVIV HOSPITALITY GROUP, and its agents responsible for the Motel's operation,
20 including its principal officers and directors, PRAFULL GOVINDGHAI PATEL and
21 MAHENDRAKUMAR P PATEL, and longtime Motel manager, SUDHA PATEL (collectively
22 "Defendants"), conduct and/or maintain the nuisance by failing to implement and maintain
23 best management and operational practices that would suppress or eliminate the nuisance.

24 4. Prosecutors and law enforcement officers have long tried to work with
25 Defendants to resolve the nuisance activity at the Property, but to no avail. In 2005, Los
26 Angeles City Attorney personnel met with the owners of the Property and the Motel to
27 discuss the criminal nuisance activity occurring at the Property and the steps necessary to
28 stop it. At that time, relatives of Defendants—Gunvant and Madhu Patel—owned the

1 Property and operated the Motel under a different name, but the crime and nuisance issues
2 were largely the same as they are now. (Gunvant Patel, though now deceased, was a
3 director of Defendant BVIV HOSPITALITY GROUP.) In particular, Defendant SUDHA
4 PATEL was then, as she is now, a manager of the Motel, and was informed in 2005 of the
5 nuisance crimes occurring at and connected to the Motel. And recently, LAPD officers met
6 directly with Defendants twice to inform them of the ongoing crime at the Property and to
7 discuss ways to solve those problems. Defendants MAHENDRA PATEL and SUDHA
8 PATEL both participated in those meetings. But despite these meetings, Defendants have
9 failed to take sufficient measures to curtail the ongoing nuisance activity occurring at the
10 Property.

11 5. Defendants' failure to implement basic security and other managerial "best
12 practices" allows the Property to persist as a dangerous public nuisance. Defendants must
13 play a far more proactive, engaged, and committed role to put a halt to the ongoing drug
14 and gang-involved general nuisance activity—including shootings and other violent crime—
15 occurring at the Property. Indeed, among other remedies sought in this Action, the People
16 seek an order for Defendants PRAFULL PATEL, MAHENDRA PATEL, and SUDHA PATEL
17 to reside at the Property until the nuisance is abated pursuant to Health and Safety Code
18 section 11573.5(f)(1)(H). This nuisance abatement prosecution is intended to require that
19 and other actions by Defendants in order to make the Property safe for its law-abiding
20 inhabitants and for the people who live and work in the surrounding neighborhood.

21 II. THE PARTIES AND THE PROPERTY

22 A. Plaintiff

23 6. Plaintiff, the People, is the sovereign power of the State of California
24 designated in Health and Safety Code section 11571, Code of Civil Procedure section 731,
25 and Business and Professions Code section 17204 to be the complaining party in law
26 enforcement actions brought to abate, enjoin and penalize narcotics nuisances, public
27 nuisances and unfair competition, respectively.
28

1 **B. The Defendants**

2 7. Defendant BVIV HOSPITALITY GROUP, a California corporation, is the
3 record owner of the Property and has been since 2006; defendant BVIV HOSPITALITY
4 GROUP is doing business as "Studio 6," according to publicly available documents.
5 Defendant BVIV HOSPITALITY GROUP was incorporated in 2002.

6 8. Defendant PRAFULL GOVINDBHAJ PATEL (aka PRAFULL GOVINDBHAI
7 PATEL) ("PRAFULL PATEL"), 57, has been an officer and/or director of BVIV
8 HOSPITALITY GROUP, including serving as the corporation's Chief Executive Officer,
9 President, and agent for service of process, at all times relevant to this Complaint.

10 9. Defendant MAHENDRAKUMAR P PATEL (aka MAHENDRAKUMAR
11 PARSOTTAMBHAI PATEL) ("MAHENDRA PATEL"), 66, has been an officer and/or
12 director of BVIV HOSPITALITY GROUP, including serving as the corporation's Chief
13 Financial Officer, at all times relevant to this Complaint. Defendant MAHENDRA PATEL
14 has recently attended meetings with LAPD officers where he was informed of the criminal
15 activity occurring at the Motel.

16 10. Defendant SUDHA PATEL (aka SUDHA JIVANBHAI PATEL, aka SUDHA
17 PRAFULL PATEL) ("SUDHA PATEL"), 71, has been an employee of BVIV HOSPITALITY
18 GROUP and manager of the Motel since at least 2005, and was informed of the criminal
19 nuisance activity occurring at the Motel, and the steps necessary to stop it, at that time. In
20 her capacity as an employee of BVIV HOSPITALITY GROUP, Defendant SUDHA PATEL
21 signed the checks for BVIV HOSPITALITY GROUP'S 2018 property tax payments for the
22 Property. As with her co-Defendant, MAHENDRA PATEL, SUDHA PATEL has also
23 recently attended at least one meeting with LAPD officers regarding the ongoing criminal
24 nuisance activity at the Motel.

25 11. Plaintiff is informed and believes, and upon such information and belief
26 alleges, that Defendants have overall authority over company affairs, including decision-
27 making authority when it comes to capital improvements at the Property and management
28 of the Property. In other words, Defendants are in a position of responsibility which allows

1 them to influence corporate policies or activities regarding the Property. Further, Plaintiff is
2 informed and believes, and upon such information and belief alleges, that Defendants had,
3 by reason of their positions as corporate officers, directors, and/or employees of BVIV
4 HOSPITALITY GROUP, responsibility and authority to prevent in the first instance, or
5 promptly correct, the dangerous narcotics- and gang-related public nuisance that has
6 existed at the Property for many years. Defendants' actions (or inactions) facilitated the
7 existence of the public nuisance at the Property.

8 12. The true names and capacities of defendants sued herein as Does 1 through
9 50, inclusive, are unknown to Plaintiff, who therefore sues said defendants by such fictitious
10 names. When the true names and capacities of said defendants have been ascertained,
11 Plaintiff will ask leave of the court to amend this complaint and to insert in lieu of such
12 fictitious names the true names and capacities of said fictitiously named defendants.

13 **C. The Property**

14 13. The Property consists of a motel and parking lot located at the commonly
15 known address of 13561 Sherman Way, Los Angeles, California 91405, in the Van Nuys
16 area of Los Angeles. The Property, located on the north side of Sherman Way between
17 Woodman Avenue and Allot Avenue, has a parking lot at the rear of the Property that is
18 accessible through an alley entranceway off Allott Avenue. Additional parking stalls are
19 located in car port areas along Sherman Way. In addition to the entrance through the alley
20 to the rear parking lot, the Motel building on the Property has two pedestrian entrances
21 along Sherman Way. The Property has a reputation in the community, and among law
22 enforcement officers, as a narcotics sales location and as a location frequented by
23 members of criminal street gangs for the purpose of committing criminal acts.

24 14. The Property has the following legal description: "The West 192 feet of the
25 East 650 feet of Lot 75 of Tract No. 1081, in the City of Los Angeles, County of Los
26 Angeles, State of California, as per Map recorded in Book 17, Pages 130 and 131 of Maps,
27 in the Office of the County Recorder of Said County. Except therefrom the North 147 feet
28 thereof," Assessor's Parcel Number 2328-007-005.

III. NARCOTICS ABATEMENT LAW

15. The abatement of a nuisance is a long established and well-recognized exercise of the state's police power. (*People v. Barbieri* (1917) 33 Cal.App. 770, 775; *People ex rel. Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) Since its enactment in 1972, the principal purpose of the NAL (Health & Saf. Code, § 11570, et seq.) is the abatement of buildings and places "used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away any controlled substance, precursor, or analog specified in this division" (Health & Saf. Code, § 11570).

16. The NAL provides that every building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away any controlled substance, precursor, or analog *inter alia*, "is a nuisance which **shall** be enjoined, abated, and prevented . . . whether it is a public or private nuisance." (Health & Saf. Code, § 11570 [emphasis added]; *People ex rel Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1389; *Lew v. Superior Court* (1993) 20 Cal.App.4th 866, 870-871.)

17. Health and Safety Code section 11571 authorizes a city attorney to bring an action to abate, prevent and perpetually enjoin such nuisances. It provides in relevant part: "Whenever there is reason to believe that a nuisance as described in Section 11570 is kept, maintained, or exists in any county, the district attorney of the county, or the city attorney of any incorporated city or of any city and county, in the name of the people, may . . . maintain an action to abate and prevent the nuisance and perpetually to enjoin the person conducting or maintaining it, and the owner, lessee, or agent of the building or place in or upon which the nuisance exists from directly or indirectly maintaining or permitting the nuisance."

18. Health and Safety Code section 11573(a) provides that: "If the existence of the nuisance is shown in the action to the satisfaction of the court or judge, either by verified complaint or affidavit, the court or judge **shall** allow a temporary restraining order or injunction to abate and prevent the continuance or recurrence of the nuisance." (Emphasis added.) In addition, Health and Safety Code section 11581 provides, as an additional

1 remedy, for the removal and sale of all fixtures and movable property on the premises used
2 in aiding or abetting the nuisance and for the closure of the building for up to one year.

3 IV. THE PUBLIC NUISANCE LAW

4 19. Civil Code section 3479 defines a public nuisance as “[a]nything which is
5 injurious to health, including, but not limited to, the illegal sale of controlled substances, or
6 is indecent or offensive to the senses, or an obstruction to the free use of property, so as to
7 interfere with the comfortable enjoyment of life or property....” (See *City of Bakersfield v.*
8 *Miller* (1966) 64 Cal.2d 93, 99 [“The Legislature has defined in general terms the word
9 ‘nuisance’ in Civil Code section 3479. . . .”].)

10 20. Civil Code section 3480 defines a public nuisance as “one which affects at the
11 same time an entire community or neighborhood, or any considerable number of persons,
12 although the extent of the annoyance or damage inflicted upon individuals may be
13 unequal.”

14 21. In particular, gang activity, such as drug dealing, loitering, consumption of
15 alcohol and illegal drugs, and boisterous conduct which creates a “hooligan-like
16 atmosphere” constitutes a public nuisance. (*People ex rel. Gallo v. Acuna* (1997) 14
17 Cal.4th 1090, 1120.)

18 22. Civil Code section 3491 provides that the “remedies against a public nuisance
19 are indictment or information, a civil action or abatement.” Abatement is “accomplished by
20 a court of equity by means of an injunction proper and suitable to the facts of each case.”
21 (*Sullivan v. Royer* (1887) 72 Cal. 248, 249.)

22 23. Code of Civil Procedure section 731 authorizes a city attorney to bring an
23 action to enjoin or abate a public nuisance. It provides in relevant part “[a] civil action may
24 be brought in the name of the people of the State of California to abate a public nuisance
25 . . . by the city attorney of any town or city in which such nuisance exists.”

26 24. Where “a building or other property is so used as to make it a nuisance under
27 the statute, the nuisance may be abated . . . , notwithstanding that the owner had no
28 knowledge that it was used for the unlawful purpose constituting a nuisance.” (*People ex*

1 *rel. Bradford v. Barbieri* (1917) 33 Cal.App. 770, 779; *see also Sturges v. Charles L.*
2 *Harney, Inc.* (1958) 165 Cal.App.2d 306, 318 ["a nuisance and liability therefore may exist
3 without negligence"]; *People v. McCadden* (1920) 48 Cal.App. 790, 792 ["A judgment
4 supported on findings that such nuisance was conducted and maintained on the premises
5 in question, regardless of the knowledge of the owner thereof, is sufficient. Such
6 knowledge on the part of the owner . . . is unnecessary."]; *People v. Peterson* (1920) 45
7 Cal.App. 457, 460 ["[I]t was not necessary . . . for the trial court to find either, that the
8 [defendants] threatened, and unless restrained, would continue to maintain, aid, and abet,
9 the nuisance, or that they knew the building was used in violation of the act. . . . The
10 existence of the nuisance was the ultimate fact in this case, and having been found,
11 supports the judgment."].) This is because "the object of the act is not to punish; its
12 purpose is to effect a reformation of the property itself." (*People v. Bayside Land Co.*
13 (1920) 48 Cal.App. 257, 261.)

14 **V. UNFAIR COMPETITION LAW**

15 25. The practices forbidden by the state Unfair Competition Law at Business and
16 Professions Code section 17200 *et seq.* ("UCL") are any practices forbidden by law, be it
17 criminal, federal, state, municipal, statutory, regulatory or court-made. As the California
18 Supreme Court has explained, the UCL "'borrows' violations of other laws and treats them
19 as unlawful practices independently actionable under section 17200 *et seq.*" (*South Bay*
20 *Chevrolet v. General Motors Acceptance Corp.* (1999) 72 Cal.App.4th 861, 880 (internal
21 citations and quotation marks omitted).)

22 26. As proscribed by the UCL, "[a]n 'unlawful business activity' includes anything
23 that can properly be called a business practice and that at the same time is forbidden by
24 law." (*People v. McKale* (1979) 25 Cal.3d 626, 632.) Moreover, the UCL casts a broad
25 net. "Any person performing or proposing to perform an act of unfair competition may be
26 enjoined . . ." (Bus. & Prof. Code, § 17203; emphasis added.) The term person includes
27 "natural persons, corporations, firms, partnerships, joint stock companies, associations and
28 other organizations of persons." (Bus. & Prof. Code, § 17201.) The courts have expanded

1 section 17200's net beyond direct liability to include common law doctrines of secondary
2 liability where the liability of each defendant is predicated on his or her personal
3 participation in the unlawful practices. (*People v. Toomey* (1985) 157 Cal.App.3d 1, 14;
4 *Emery v. Visa Int'l Service Ass'n* (2002) 95 Cal.App.4th 952, 960.)

5 27. Civil actions under the UCL may be brought in the name of the People of the
6 State of California by any city attorney of a city having a population in excess of 750,000
7 (Bus. & Profs. Code, § 17204), such as the City of Los Angeles. A public entity can sue
8 pursuant to section 17200 based on violations of its own municipal code, state law, or other
9 local ordinance. (*People v. Thomas Shelton Powers, M.D., Inc.* (1992) 2 Cal.App.4th 330,
10 338-339.)

11 28. Defendants engaging in violations of the UCL may be enjoined in any court of
12 competent jurisdiction. (Bus. & Profs. Code, § 17203.) A court may make such orders or
13 judgments, including appointment of a receiver, as may be necessary to prevent the use or
14 employment by any person of any practice constituting unfair competition. (*Id.*)

15 29. Although no case has specifically been called upon to define the term
16 "business" in section 17200, the courts have frequently given a broad reading to the
17 provisions of the UCL so as to affect its broad remedial purposes. (*See, e.g., Barquis v.*
18 *Merchants Collection Ass'n* (1972) 7 Cal.3d 94, 111-113.) An enterprise engaged entirely
19 in criminal conduct such as the manufacture of illegal drugs or obscene matter is a
20 business for purposes of section 17200. (*People v. EWAP, Inc.* (1980) 106 Cal.App.3d
21 315, 320-321.) Moreover, recent amendments to section 17200 make clear that even a
22 one-time act of misconduct can constitute a violation of the UCL. (*Klein v. Earth Elements,*
23 *Inc.* (1997) 59 Cal.App.4th 965, 969.)

24 30. The ownership and operation of a motel is a business. (*See Clark v. City of*
25 *San Pablo* (1969) 270 Cal.App.2d 121, 125.) Thus, when a property owner conducts,
26 maintains or permits a nuisance that is unlawful under the NAL and/or PNL to exist on the
27 premises of such a business, it is a violation of the UCL. (*See San Francisco v. Sainez*
28 (2000) 77 Cal.App.4th 1302, 1323.)

1 **VI. FIRST CAUSE OF ACTION FOR NARCOTICS ABATEMENT**

2 **[Health and Safety Code Section 11570, et seq. --**

3 **Against Defendants and DOES 1 through 50]**

4 31. Plaintiff incorporates paragraphs 1 through 30 above as if fully alleged herein.

5 32. From an exact date unknown but at least since 2004 and through the present
6 time, the Property has been used for the purposes of unlawfully selling, serving, storing,
7 keeping, manufacturing or giving away controlled substances and/or is a building or place
8 wherein or upon which those acts take place in violation of Health and Safety Code section
9 11570, et seq.

10 33. Defendants have directly or indirectly conducted, maintained and/or permitted
11 the Property to be used for the purposes of unlawfully selling, serving, storing, keeping,
12 manufacturing and/or giving away controlled substances, including but not limited to heroin,
13 methamphetamine, and cocaine.

14 34. The Property has a well-known reputation in the community as a location
15 where unlawful narcotics activity takes place on a regular basis by Motel patrons and
16 others.

17 35. Defendants are the owners, operators, lessors, and/or lessees of the fixtures
18 and appurtenances contained within the Property and said fixtures and appurtenances
19 were used and are presently being used, directly or indirectly, by Defendants in conducting,
20 maintaining, and/or permitting the use of the Property, including its grounds, buildings, and
21 premises for narcotics activity.

22 36. Plaintiff has no plain, speedy and adequate remedy at law and unless
23 Defendants are restrained and enjoined by order of this Court, they will continue to use,
24 occupy, maintain, and/or permit, directly or indirectly, the use of the Property, together with
25 the fixtures and appurtenances located therein, for the purpose of selling, serving, storing,
26 keeping, distributing, or giving away controlled substances and they will continue to
27 conduct, maintain, allow, permit, and encourage this nuisance on the Property, to the
28 damage of the public and in violation of California law.

1 **VII. SECOND CAUSE OF ACTION FOR PUBLIC NUISANCE**

2 **[Civil Code Section 3479, *et seq.* --**

3 **Against Defendants and DOES 1 through 50]**

4 37. Plaintiff incorporates Paragraphs 1 through 36 above as if fully alleged herein.

5 38. From an exact date unknown but at least since 2004 and through the present
6 time, Defendants have owned, operated, occupied, used, and/or directly or indirectly
7 permitted to be occupied and used, the Property in such a manner as to constitute a public
8 nuisance in violation of Civil Code sections 3479, *et seq.* The public nuisance, as
9 described herein, is injurious to health, indecent or offensive to the senses, and/or an
10 obstruction to the free use of property, so as to substantially and unreasonably interfere
11 with the comfortable enjoyment of life or property by those persons living in the community
12 surrounding the Property. The public nuisance consists of, but is not limited to, the illegal
13 sale, use, and storage of controlled substances at the Property; the threatening, violent,
14 and disorderly presence of gang members and/or their associates at the Property;
15 shootings and illegal weapons seizures at the Property; identity theft arrests at the
16 Property; stolen vehicles recovered at the Property; batteries and assaults committed at the
17 Property; and the state of disorder that pervades the Property and its surroundings.

18 39. Defendants, in owning, conducting, maintaining, and/or permitting, directly or
19 indirectly, the use of the Property as a public nuisance, have engaged in wrongful conduct
20 and caused a serious threat to the general health, safety and welfare of the law-abiding
21 individuals at the Property and persons in the area surrounding the Property.

22 40. Unless Defendants are restrained and enjoined by order of this Court, they
23 will continue to use, occupy and maintain, and to aid, abet or permit, directly or indirectly,
24 the use, occupation, and maintenance of the Property, together with the fixtures and
25 appurtenances located therein, for the purpose complained of herein, to the great and
26 irreparable damage of Plaintiff and in violation of California law.

1 **VIII. THIRD CAUSE OF ACTION FOR UNFAIR COMPETITION**

2 **[Business and Professions Code Section 17200, *et seq.* --**

3 **Against Defendants and DOES 1 through 50]**

4 41. Plaintiff hereby incorporates paragraphs 1 through 40 above as if fully alleged
5 herein.

6 42. Ownership and operation of a motel, such as the Property, is a business.
7 When the owner of such a business violates the NAL and/or PNL such that a nuisance
8 exists and flourishes at the business's premises, as alleged herein, it is also a violation of
9 the UCL.

10 43. Defendants have violated the UCL by engaging in the following unlawful or
11 unfair business acts and practices: (1) conducting, maintaining and/or permitting, directly
12 or indirectly, narcotics activity at the Property amounting to violations of the NAL as alleged
13 herein; and/or (2) conducting, maintaining and/or permitting, directly or indirectly, narcotics
14 and other gang-related criminal and/or general public nuisance activity at the Property
15 amounting to violations of the PNL as alleged herein.

16 44. Plaintiff has no adequate remedy at law, and unless Defendants are
17 restrained by this Court they will continue to commit unlawful or unfair business practices or
18 acts, thereby causing irreparable injury and harm to the public's welfare.

19 **PRAYER**

20 **WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND**
21 **DECREE AS FOLLOWS:**

22 **AS TO THE FIRST CAUSE OF ACTION:**

23 1. That Defendants, DOES 1 through 50, and the Property, including all
24 buildings and structures thereon, be declared in violation of Health and Safety Code section
25 11570, *et seq.*

26 2. That Defendants PRAFULL PATEL, MAHENDRA PATEL, and SUDHA
27 PATEL each be ordered to reside at the Property until the nuisance is abated, pursuant to
28 Health and Safety Code section 11573.5(f)(1)(h).

1 3. That the Property, together with the fixtures and moveable property therein
2 and thereon, be found to constitute a public nuisance and be permanently abated as such
3 in accordance with Section 11581 of the California Health and Safety Code.

4 4. That the Court grant a preliminary injunction, permanent injunction and order
5 of abatement in accordance with Section 11570, et seq. of the California Health and Safety
6 Code, enjoining and restraining each Defendant and their agents, officers, employees and
7 anyone acting on their behalf, from unlawfully selling, serving, storing, keeping,
8 manufacturing, or giving away controlled substances on the Property.

9 5. That the court order physical and managerial improvements to the Property in
10 accordance with Health and Safety Code section 11573.5, and such orders as are
11 otherwise appropriate, to remedy the nuisance on the Property and enhance the abatement
12 process, including but not limited to, implementation of the following: an internet-connected
13 video surveillance system accessible by LAPD that provides coverage of all the Motel's
14 common areas; improved lighting; an operable gate securing access to the rear parking lot
15 of the Property; improved procedures for screening and registration of guests and those
16 coming onsite to the Property; hiring armed, licensed security guards to be present at the
17 Property 24-hours a day, 7 days a week; and prohibiting known gang members and other
18 individuals previously arrested at the Property from accessing the Property at any time.

19 6. That as part of the Judgment, an Order of Abatement be issued, and that the
20 Property be closed for a period of one year, not to be used for any purpose, and be under
21 the control and custody of this Court for said period of time; or, in the alternative, if the
22 Court deems such closure to be unduly harmful to the community, that Defendants, and
23 DOES 1 through 50, pay an amount equal to the fair market rental value of the Property for
24 one year to the City or County in whose jurisdiction the nuisance is located in accordance
25 with Health and Safety Code section 11581 subdivision (c)(1); and that an officer and/or
26 director of Defendant be ordered to reside at the Property until the nuisance alleged herein
27 is abated.

28

1 7. That Defendants and Does 1-50 each be assessed a civil penalty in an
2 amount not to exceed twenty-five thousand dollars (\$25,000.00).

3 8. That all fixtures and moveable property used in conducting, maintaining,
4 aiding or abetting the nuisance at the Property be removed by the LAPD and sold in the
5 manner provided for the sale of chattels under execution. Said fixtures and property shall
6 be inventoried and a list prepared and filed with this court.

7 9. That there shall be excepted from said sale, such property to which title is
8 established in some third party not a defendant, nor agent, officer, employee or servant of
9 any defendant in this proceeding.

10 10. That the proceeds from said sale be deposited with this court for payment of
11 the fees and costs of sale. Such costs may occur in closing said Property and keeping it
12 closed, removal of said property, and Plaintiff's costs in the action, including attorneys' fees,
13 and such other costs as the court shall deem proper.

14 11. That if the proceeds of the sale do not fully discharge all such costs, fees and
15 allowances, the Property shall also be sold under execution issued upon the order of the
16 court or judge and the proceeds of such sale shall be applied in a like manner. That any
17 excess monies remaining after payment of approved costs shall be delivered to the owner
18 of said Property. Ownership shall be established to the satisfaction of this court.

19 12. That Defendants, DOES 1 through 50, and any agents, trustees, officers,
20 employees and anyone acting on their behalf, and their heirs and assignees, be perpetually
21 enjoined from transferring, conveying, or encumbering any portion of the Property, for
22 consideration or otherwise, without first obtaining the Court's prior approval.

23 13. That Defendants, and DOES 1 through 50, be ordered to immediately notify
24 any transferees, purchasers, commercial lessees, or other successors in interest to the
25 subject Property of the existence and application of any temporary restraining order,
26 preliminary injunction, or permanent injunction to all prospective transferees, purchasers,
27 commercial lessees, or other successors in interest, *before* entering into any agreement to
28 sell, lease or transfer the Property, for consideration or otherwise, all or any portion of the

1 Property that is the subject of this action.

2 14. That Defendants, and DOES 1 through 50, be ordered to immediately give a
3 complete, legible copy of any temporary restraining order, preliminary injunction, and/or
4 permanent injunction to all prospective transferees, purchasers, lessees, or other
5 successors in interest to the Property.

6 15. That Defendants, and DOES 1 through 50, be ordered to immediately request
7 and procure signatures from all prospective transferees, purchasers, lessees, or other
8 successors in interest to the subject Property, which acknowledges his/her respective
9 receipt of a complete, legible copy of any temporary restraining order, preliminary
10 injunction, and/or permanent injunction, and deliver a copy of such acknowledgment to the
11 Los Angeles City Attorney's Office, c/o Deputy City Attorney Ryan Borho or his designee.

12 16. That Plaintiff recover the costs of this action, including law enforcement
13 investigative costs and any fees, including attorneys' fees, authorized by law, not to exceed
14 \$750,000.00, from Defendants and DOES 1 through 50.

15 AS TO THE SECOND CAUSE OF ACTION

16 1. That the Property, together with the fixtures and moveable property therein
17 and thereon, be declared a public nuisance and be permanently abated as such in
18 accordance with Civil Code section 3491.

19 2. That each Defendant and their agents, officers, employees and anyone acting
20 on their behalf, and their heirs and assignees, be preliminarily and perpetually enjoined
21 from operating, conducting, using, occupying, or in any way permitting the use of the
22 Property as a public nuisance. Such orders should include physical and managerial
23 improvements to the Property and such other orders as are appropriate to remedy the
24 nuisance on the Property and enhance the abatement process.

25 3. That Plaintiff be awarded such costs as may occur in abating said nuisance at
26 the Property and such other costs as the Court shall deem just and proper.

27 4. That Plaintiff be granted such other and further relief as the Court deems just
28 and proper, including closure and/or demolition of the Property.

1 AS TO THE THIRD CAUSE OF ACTION

2 1. That each Defendant be declared in violation of Business and Professions
3 Code section 17200.

4 2. That each Defendant, as well as its agents, heirs, successors, and anyone
5 acting on its behalf, be permanently enjoined from maintaining, operating, or permitting any
6 unlawful or unfair business acts or practices in violation of Business and Professions Code
7 section 17200.

8 3. That the Court grant a preliminary and/or permanent injunction prohibiting
9 each Defendant, as well as its agents, heirs, successors, and anyone acting on its behalf,
10 from engaging in the unlawful or unfair acts and/or practices described herein at the
11 Property and in the City of Los Angeles. Such orders should include physical and
12 managerial improvements to the Property.

13 4. That, pursuant to Business and Professions Code section 17206, each
14 Defendant be assessed a civil penalty of \$2,500.00 for each and every act of unfair
15 competition. Since each Defendant has engaged in a continuing nuisance, each day
16 constitutes an act of unfair competition and Defendants should be assessed a civil penalty
17 not to exceed \$3.65 million dollars.

18 5. That, pursuant to the Court's equitable power and Business and Professions
19 Code section 17203, the Court make such orders or judgments, including appointment of a
20 receiver, to eliminate the unfair competition alleged herein.

21 AS TO ALL CAUSES OF ACTION

22 1. That Plaintiff recover the amount of the filing fees and the amount of the fee
23 for the service of process or notices which would have been paid but for Government Code
24 section 6103.5, designating it as such. The fees may, at the Court's discretion, include the
25 amount of the fees for certifying and preparing transcripts.

1 2. That Plaintiff be granted such other and further relief as the Court deems just
2 and proper.

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4 DATED: April 4, 2019

Respectfully submitted,

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6 MICHAEL N. FEUER, City Attorney
7 JONATHAN CRISTALL, Assistant City Attorney
8 LIORA FORMAN-ECHOLS, Asst. Superv. Deputy
City Attorney

9 By: 

10 RYAN BORHO

11 Deputy City Attorney

12 Attorneys for Plaintiff, THE PEOPLE OF THE
13 STATE OF CALIFORNIA
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